

SENATE BILL 671

By Norris

AN ACT to amend Tennessee Code Annotated, Title 39.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 12, is amended by adding Sections 2 and 3 as a new part.

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "Acting in concert", means such conduct that would make one criminally responsible pursuant to §§ 39-11-401, 39-11-402, or 39-11-403; and

(2) "Crime of force or violence" means any of the following offenses:

(A) Second degree murder as defined in § 39-13-210;

(B) Criminal attempt, first degree murder as defined in § 39-12-101 and § 39-13-202;

(C) Criminal attempt, second degree murder as defined in § 39-12-101 and § 39-13-210;

(D) Especially aggravated robbery as defined in § 39-13-403;

(E) Aggravated robbery as defined in § 39-13-402;

(F) Robbery as defined in § 39-13-401; or

(G) Carjacking as defined in § 39-13-404.

SECTION 3.

(a) A crime of force or violence committed while acting in concert with two (2) or more other persons shall be punished one (1) classification higher than if it were committed alone. A Class A felony of force or violence committed while acting in concert

with two (2) or more other persons shall be punished as a Class A felony, however, the presumptive sentence shall be the maximum within the appropriate range.

(b) The indictment shall charge that the force or violence was committed while acting in concert with two (2) or more other persons.

SECTION 4. If any provision of this act or the application thereof to any person or circumstances held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect January 1, 2010, the public welfare requiring it.